

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INFODELI, LLC, a Missouri limited  
liability company,

Petitioner,

v.

AMAZON WEB SERVICES, INC., a  
Delaware corporation,

Respondent.

No. 2:17-cv-00281

Underlying case: *Infodeli, LLC v. Western  
Robidoux, Inc.* (Western District of  
Missouri, Case No. 4:15-CV-364-BCW)

DECLARATION OF PETER KNOPS

I, Peter Knops, declare as follows:

1. I am counsel for Engage Mobile Solutions, LLC (“EMS”). I am over the age of 18, I have personal knowledge of the facts, and if called and sworn as a witness, I could and would testify as set forth below.

2. EMS is a defendant in the underlying action brought by Petitioner, Infodeli, LLC (“Infodeli”), in the Western District of Missouri, Case No. 4:15-CV-364-BCW.

3. I am aware of the subpoena issued by Infodeli to Amazon Web Services, Inc. (“AWS”). It is EMS’s understanding that the AWS services at issue are EC2, S3, and RDS services. The same documents and information apparently sought under the subpoena issued to AWS have already been produced directly via party discovery by EMS (or provided to Plaintiffs for Plaintiffs to build out and produce selected snapshots or images).

4. During the course of party discovery, EMS produced to Infodeli indices reflecting all files stored on EMS’s AWS account pertaining to the platforms at issue in the litigation.

EMS also provided Infodeli with access to the EC2 instances and RDS snapshots by providing Plaintiffs temporary access to each so Plaintiffs could build out the instances and snapshots.

5. EMS's production reflected that the earliest date on which EMS manually saved data on the AWS server (and thus preserved the AWS data) was in December of 2014.

6. I am not aware of any data or documents withheld by EMS from its production of AWS-stored data and information that would similarly be responsive to the subpoena.

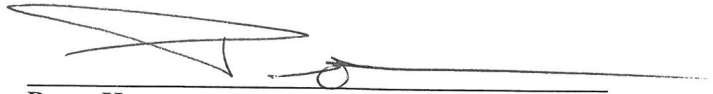
7. There have been seven scheduling orders issued in this case. On February 10, 2017 the District Court for the W.D. Missouri issued its seventh amended scheduling order. Dkt. # 378. The seventh amended scheduling order was issued based on a joint motion by the parties. *Id.* #. In that joint motion, the parties explained their need for one final extension of the discovery cutoff - to allow the parties to address a scheduling conflict with an expert witness for defendants. *Id.* The amended scheduling order established February 20, 2017, as the discovery cutoff. *Id.* # 374.

8. Due to a problem with a specific vendor, EMS was unable to complete its production of a particular database to Infodeli until the next day, February 21, 2017. Based on this delayed production, Infodeli contended that EMS's production of a database was untimely. The District Court for the W.D. Missouri agreed, ruling that the delay was sanctionable.

9. It is EMS's position that, based on the W.D. Missouri's order specifically setting the discovery cutoff as February 20, 2017, Infodeli's filing in the U.S. District Court for the W.D. Washington on February 21, 2017, to compel AWS's compliance with a subpoena is untimely.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED this 17<sup>th</sup> day of March, 2017 at Oakland Park Kansas.

A handwritten signature in dark ink, appearing to read "Peter Knops", written over a horizontal line.

Peter Knops  
Counsel for Defendant  
Engage Mobile Solutions, LLC

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DATED at Seattle, Washington this 20th day of March, 2017.

Melissa Woods

Melissa Wood, Practice Assistant

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**STOEL RIVES LLP**  
ATTORNEYS  
600 University Street, Suite 3600, Seattle, WA 98101  
Telephone (206) 624-0900